REMARKS

Before this Response, claims 1-4, 6-17, and 20-24 were pending and claims 1-4, 6-17, and 20-24 now stand rejected and/or objected to. In this Response, claims 1-4, 12, and 15-17 have been amended and claims 20-24 have been canceled, leaving claims 1-4 and 6-17 still pending. Support for these amendments may be found at, *inter alia*, paragraphs [0045]-[0049] and FIG. 7 of the Specification as filed, and no new matter has been added.

In the present Office action, claims 1-3, 6-11, 15-16, and 19-24 are rejected under 35 USC § 103(a) as being unpatentable over U.S. Patent No. 6,311,276 to Connery et al. (hereinafter "Connery") in view of U.S. Patent Pub. No. 2004/0163008 to Kim (hereinafter "Kim"). Claims 4, 13-14, and 17 are also rejected 35 USC § 103(a) as being unpatentable over Connery in view of Kim and further in view of U.S. Patent Pub. No. 2002/0135561 to Deosaran et al. (hereinafter "Deosaran"). Applicant gratefully acknowledges the withdrawal of the previous rejections under 35 USC § 101 and 35 USC § 102.

Applicant respectfully believes that all of the rejections and objections have been traversed in light of the following remarks and the preceding amendments. All of the pending claims as amended in the present application are believed to be patentable over the cited prior art and the Applicant respectfully requests that the application proceed towards issuance.

Claim rejections under 35 USC § 103

Claims 1-4, 6-17, and 20-24 were rejected under either 35 USC § 103(a) as a result of combinations of Connery, Kim, and/or Deosaran. Applicant respectfully contends that in light of the amendments and/or arguments herein, these rejections have been successfully traversed. As discussed previously, claims 1-4, 12, and 15-17 have been amended and claims 20-24 have been canceled in this Response, leaving claims 1-4 and 6-17 pending. In light of the amendments and/or arguments herein, however, many

of the Office action's arguments are now moot and only the arguments impacting the claims as amended will be addressed in the interest of brevity.

To establish a prima facie case of obviousness under 35 USC § 103, the modification or combination must teach or suggest all of Applicant's claim limitations.[1] If the modification or combination does teach or suggest all of the claim limitations, there must be a reason to perform the modification or combination that would prompt a person of ordinary skill in the relevant field to combine the elements in the way the claimed new invention does.[2] Such an obviousness analysis is subject to the Graham factors of the scope and content of the prior art, the differences between the prior art and the claims, the level of ordinary skill in the pertinent art, and objective evidence of nonobviousness.[3] While the teaching-suggestion-motivation (TSM) test cannot be rigidly applied, the test of whether there is a suggestion or motivation to modify or combine the references can provide helpful insight into an obviousness inquiry.[4]

Claims 1-4 and 6-11

Applicant respectfully contends that, in regards to amended claim 1, none of Connery, Kim, or Deosaran, nor any other cited art teach or suggest, alone or in combination, expressly or inherently, "each and every element as set forth in the claim[s]" and thus fail to establish a prima facie case of obviousness under 35 USC § 103. Connery instead teaches a security feature that is added to the Wake On LAN (WOL) protocol so that security can be added to WOL transmissions. (See, generally, Abstract and col. 2, lines 2-11). Kim instead teaches an automated disaster recovery system with a management server with a database storing information about various clients. (See, generally, abstract and paragraph [0043]). Deosaran instead teaches intelligent memory to accelerate various computer software processes. (See, generally, Abstract).

None of Connery, Kim, or Deosaran, alone or in combination, disclose or suggest "determining one or more clients to be managed from the plurality of clients based on the

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[1] *In re Royka*, 490 F.2d 981, 985, 180 USPQ 580, 583 (CCPA 1974).
[2] *Takeda Chemical Ind. v. Alphapharm Pty.*, 492 F.3d 1350, 1356-57 (citing *KSR International Co. v. Teleflex Inc.*, 127 S.Ct. 1727 (2007)).
[3] *Id.* at 1355.
[4] *Id.* at 1357.

received statuses of wake-on-LAN functionality by only determining that a particular client should be managed in response to receiving a response from the particular client that its wake-on-LAN functionality is active" as required by amended claim 1. Neither do Connery, Kim, Deosaran, or other cited art disclose or suggest "determining one or more clients not to be managed from the plurality of clients by determining that a particular client should not be managed in response to not receiving a response from the particular client that its wake-on-LAN functionality is active" as required by amended claim 1. Similarly, neither Connery, Kim, nor Deosaran teach or suggest "in response to receiving responses from the one or more clients and determining one or more clients to be managed, transmitting a first network packet only to the determined one or more clients to be managed using the network and not to the one or more clients determined not to be managed" as required by amended claim 1.

Connery does not teach these limitations as it does not teach anything relating to determining whether a client is active on a network, as conceded by the Office action. (Office action, page 3). Kim does not teach these limitations as the system of Kim, after a determination as to status is made, sends packets to a client regardless of the determination of status, as illustrated in FIG. 6. (See, FIG. 6, blocks 330 and 335). To the extent Kim makes determinations, it makes them in the context of deciding in the context of management operations and whether they are needed or already taken place, not in the context of wake-on-LAN status. (Kim, paragraph [0043]). The system of Kim simply does not teach or suggest these limitations of amended claim 1 and instead teaches a system that transmits wake-on-LAN commands to each and every client, as shown in FIG. 6. Modifying Kim to be consistent with amended claim 1 would be contrary to the stated goals of the Kim system to facilitate updates for "each end user 114". (Kim, paragraph [0007]; see also paragraph [0006]).

Based on the foregoing, Applicant respectfully contends that the disclosed references neither teach nor suggest, expressly or inherently, "each and every element as set forth in the claim[s]", and thus fail to fail to establish a prima facie case of obviousness for amended claim 1 under 35 USC § 103. Claims 2-4 and 6-11, being dependent upon claim 1, incorporate the limitations of claim 1. Accordingly, none of the cited art, alone or in combination, expressly or inherently, discloses or suggests multiple

limitations of claims 2-4 and 6-11 for the reasons described for claim 1 and for other reasons. Applicant therefore respectfully requests that the rejections of claims 1-4 and 6-11 be withdrawn and the claims allowed.

Claims 12-17

In regards to independent claim 12, none of the cited art, alone or in combination, expressly or inherently, discloses or suggests multiple limitations of amended independent claim 12 for the reasons as described previously regarding claim 1 as well as other reasons. Further, claims 13-14, being dependent upon claim 12, incorporate the limitations of amended claim 12 and are patentable for the same and additional reasons. Applicant therefore respectfully requests that the rejections of claims 12-14 be withdrawn and claims 12-14 be allowed.

In regards to independent claim 15, none of the cited art, alone or in combination, expressly or inherently, discloses or suggests multiple limitations of amended independent claim 15 for the reasons as described previously regarding claim 1 as well as other reasons. Further, claims 16-17, being dependent upon claim 15, incorporate the limitations of amended claim 15 and are patentable for the same and additional reasons. Applicant therefore respectfully requests that the rejections of claims 15-17 be withdrawn and claims 15-17 be allowed.

Reservation of Rights

Applicant has canceled claims 20-24 from further consideration in this application and amended claims 1-4, 12, and 15-17. Applicant is not conceding in this application that claims 1-24 as originally filed are not patentable over the art cited by the Examiner, as the present claim amendments and cancellations are only for facilitating expeditious prosecution of the remaining claims. Applicant respectfully reserves the right to pursue the original and other claims in one or more continuations and/or divisional patent applications.

CONCLUSION

In the present response, Applicant amended the Specification and drawings, amended claims 1-4, 12, and 15-17, canceled claims 20-24, and responded to the Office action's various claim rejections. Accordingly, Applicant believes that this response constitutes a complete response to each of the issues raised in the Office action. In light of the amendments made herein and the accompanying remarks, Applicant respectfully traverses the rejections in the Office action and believes that the pending claims as amended are in condition for allowance. Accordingly, Applicant respectfully requests that the rejections be withdrawn, pending claims 1-4 and 6-17 be allowed, and the application advance toward issuance.

If the Examiner has any questions, comments, or suggestions, the undersigned attorney would welcome and encourage a telephone conference at (512) 692-7297.

No fee is believed due with this paper. However, if any fee is determined to be required, the Office is authorized to charge Deposit Account 50-0563 for any such required fee.

Respectfully submitted,

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